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Agenda item 20
The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

Identical notes verbales dated 15 November 2009 from the Permanent Mission of Honduras to the United Nations addressed to the Secretary-General and the President of the General Assembly

The Permanent Mission of the Republic of Honduras presents its compliments to the Secretary-General of the United Nations and the President of the sixty-fourth session of the General Assembly and has the honour to transmit for their information the attached letter addressed by His Excellency Mr. José Manuel Zelaya Rosales, Constitutional President of the Republic of Honduras, to Mr. Barack Obama, President of the United States of America (see annex).

The Mission also requests that this letter and its annex be distributed to all the State Members of the United Nations, under item 20 of the agenda of the sixty-fourth session of the General Assembly.

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Annex to the note verbale dated 15 November 2009 from the Permanent Mission of Honduras to the United Nations addressed to the Secretary-General and the President of the General Assembly

Tegucigalpa, 14 November 2009

Dear President Obama,

When we first met with Secretary of State Clinton on 8 July 2009 after the coup d'état, it was made clear to me and to the world that the position of the Obama Administration was to condemn the coup, refuse to recognize its authorities and demand a return to the rule of law with the reinstatement of the President elected by the people.

Your Government's official position was consistent with that of its representatives who sponsored and supported the resolutions of the United Nations and the Organization of American States (OAS), including paragraph 3 demanding my immediate and safe return and reinstatement.

On 28 June 2009, the armed forces kidnapped me and exiled me to Costa Rica. The Congress of the Republic issued an illegal decree ordering the "removal of citizen José Manuel Zelaya Rosales from the office of Constitutional President of the Republic", without having the constitutional authority to do so, without due process and without my being summoned to any trial.

At that first meeting with Secretary of State Hillary Clinton, it was proposed to me that Oscar Arias, President of Costa Rica, should act as mediator. While I think that it is counterproductive to hold a dialogue with people who have a weapon in their hands, I agreed because such mediation would have the backing of the United States and the international community.

In a communiqué dated 4 September 2009, Secretary of State Hillary Clinton said that "the positive conclusion of the process initiated by President Arias would be the appropriate basis for proceeding with a legitimate election".

Everyone knows that without the visit to Honduras by Thomas Shannon, Assistant Secretary of State for Western Hemisphere Affairs, Daniel Restrepo and Craig Kelly, the de facto regime would not have signed the Agreement. We all know why the Tegucigalpa-San José Agreement was broken.

President Arias himself revealed the truth when he said that "Micheletti was never prepared to cooperate; on the contrary, he was making a mockery of the international community and simply playing for time to avoid ever having to hand over power to the person entitled to it".

Former Chilean President Ricardo Lagos, a prominent member of the international Verification Commission, confirmed this when he said that "Mr. Micheletti broke the Agreement" and that "Micheletti did things he should not have done, such as saying he would form a unity government without Zelaya", which is why the negotiated Agreement collapsed.

On the very day when the Verification Commission for the Agreement was being set up in Tegucigalpa, we were surprised to hear State Department officials make statements in which they changed their position and interpreted the Agreement

unilaterally, saying that "the United States would recognize the elections with or without reinstatement". The de facto regime celebrated this change and used these statements for its own ends, immediately violating the Agreement rather than complying with it.

For the above reasons, we state the following:

- *The Tegucigalpa-San José Agreement is now null and void because of the de facto government's unilateral failure to comply with it.* The Agreement was designed to be implemented fully and simultaneously; it was not envisaged as two separate agreements but as a single, 12-point agreement with one sole purpose, to restore democracy and social peace and thereby reverse the coup d'état, meaning that the lawfully and popularly elected President of the Republic could return in safety. That in turn would promote a climate of national reconciliation, followed by clean constitutional elections, with guarantees of equal and free participation for all citizens of Honduras.

- *The forthcoming elections were to have been conducted within a legal framework and with international backing, especially OAS and United Nations backing, and in the absence of these political conditions and minimum citizens' rights, a free and transparent result cannot be guaranteed.* In this connection, I wish to note that the new position taken by United States Government officials sidesteps the original aim of the San José dialogue, relegating to second place an Agreement with the lawfully recognized Government and attempting to transfer that Agreement to a new electoral process, regardless of the conditions in which it is conducted: among other things, with public resources authorized by public officials who are not legally recognized and allocated from a budget that has not been authorized by the lawfully recognized President.

  In these circumstances, the elections and hence their outcome will be challenged and will not be recognized, seriously threatening the future stability of relations between Honduras and the other nations that recognize its results.

As I have told OAS Secretary-General José Miguel Insulza, a political climate for elections does not exist and, as observed and noted by United States Congresswoman Jane Sharkosky on her recent visit to our country, there is a confirmed climate of human rights violations in Honduras.

On 6 November, we communicated our refusal to continue with the fake dialogue. Accordingly, with the expiry of the deadline, the Agreement is a dead letter and without effect, since an agreement must be complied with on time and in due form. For us, the Agreement's violation by the de facto regime is grounds for determining that the Agreement has ceased to exist.

Precious time has undoubtedly been wasted on this failed attempt.

The presidential election is currently scheduled for the last week in November. In this case, as Constitutional President and as a citizen who represents and was elected democratically by the people of Honduras, I find myself compelled to state that we cannot support an election held under these conditions and will contest it legally on behalf of thousands of Hondurans and hundreds of candidates who feel that this electoral contest is unequal and that the conditions for participating freely do not exist.

- Because of the repression to which the Honduran people are currently subjected, because in Honduras not even the highest authority of the President of the Republic is respected and because in this country the fact that in three years I achieved the best economic indicators and the greatest reduction in poverty in 28 years of democratic government is ignored. Because I was overthrown by force of arms, was never brought to trial or given due process and now have 24 charges and arrest warrants against me for, among other things, drug trafficking, corruption and terrorism, and most of my cabinet ministers are facing political persecution and fleeing from the regime to different parts of the Americas.

- Some 3,500 people have been detained in 100 days, more than 600 injured and beaten in demonstrations, more than 100 murdered and countless numbers of citizens tortured for daring to oppose the regime and voice their ideas of freedom and justice in peaceful demonstrations, all of which makes the November elections an anti-democratic exercise in view of the situation of illegality and the uncertainty and military intimidation faced by large sectors of our people.

- To hold elections in which the President elected by the people of Honduras and recognized by his Government and by the international community is a prisoner, surrounded by soldiers in Brazil's diplomatic compound, and the de facto President imposed by the armed forces is surrounded by the powerful in the government building will be a source of lasting shame for Honduras and a disgrace for the democratic peoples of the Americas.

- This electoral process is illegal because it covers up the military coup and the de facto situation in Honduras, does not offer guarantees of equality and freedom for the civic participation of all Hondurans and is an anti-democratic electoral manoeuvre repudiated by large sectors of the people and designed to aid and abet the perpetrators and instigators of the coup d'état.

- Elections are a process, not just a day on which people go to vote; they involve debate, the putting forward of ideas, equality of opportunity.

- In my capacity as President elected by the Honduran people, I reaffirm my decision that henceforth, come what may, I SHALL NOT ACCEPT any agreement to return to the Presidency that would make me complicit in the coup d'état, which we know is having a direct impact on the human rights of the inhabitants of our country through the military repression it has unleashed.

Mr. President,

At the Summit of the Americas held in Trinidad and Tobago earlier this year, which I attended, you said that we should "stop blaming America for the things it did in the past in the hemisphere and deal with the future". The future that the United States is now showing us by altering its position in the case of Honduras and thereby encouraging the military classes' abusive intervention in the civic life of our State (a historical cause of the backwardness and stagnation of our countries in the twentieth century) is simply the end of freedom and a contempt for human dignity, it is a new war against the much-needed social and democratic reform processes in Honduras.

President Obama,

Each time a lawfully elected government is overthrown in the Americas, it is a victory for violence and terrorism and a defeat for democracy.

We still refuse to believe that this military coup d'état in Honduras represents the new State terrorism of the twenty-first century and will be the future for Latin America of which you spoke to us in Trinidad and Tobago.

We are resolute and determined to fight for our democracy without concealing the truth, and when a people decide to struggle peacefully for their ideas, there is no weapon, no army and no manoeuvre than can stop them.

I await your early reply and give you renewed assurances of my highest consideration.

(*Signed*) José Manuel **Zelaya Rosales**
President of the Republic of Honduras

United Nations A/64/538

General Assembly

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Sixty-fourth session
Agenda item 143
Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Second performance report of the International Criminal Tribunal for Rwanda for the biennium 2008-2009

Report of the Secretary-General

Summary

The second performance report of the International Criminal Tribunal for Rwanda for the biennium 2008-2009 is submitted pursuant to General Assembly resolution 63/254. The report reflects a decrease in requirements of $840,600 gross ($3,224,300 net) as compared with the revised appropriation for the biennium 2008-2009. The net reduction is the result of additional requirements with respect to the effects of exchange rates and inflation ($2,435,400 gross ($2,275,600 net)), partially offset by decreases in post incumbency and other changes ($3,276,000 gross ($5,500,100 net)).

The General Assembly is requested to revise the appropriation for 2008-2009 to the Special Account for the International Criminal Tribunal for Rwanda to $304,538,000 gross ($279,372,600 net).

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I. Introduction

1. The purpose of the second performance report on the budget of the International Criminal Tribunal for Rwanda is to provide an estimate of the final level of resources required for the biennium 2008-2009. The estimate is based on actual expenditures for the first 19 months of the biennium, projected requirements for the last 5 months and changes in inflation and exchange rates and cost-of-living adjustments as compared with the assumption made in the first performance report (A/63/558), which was reviewed by the General Assembly at its sixty-third session and which formed the basis for the revised appropriation for the biennium 2008-2009.

2. The activities of the Tribunal are predominantly trial based and most of the requirements are therefore linked to the pace of trial activities.

II. Explanation of the changes in net expenditure requirements

3. The estimated requirements proposed in the present report reflect a decrease of $840,600 gross ($3,224,500 net) as compared with the revised appropriation approved by the General Assembly in its resolution 63/254. The distribution of the projected changes and the proposed final appropriation for the International Criminal Tribunal for Rwanda for the biennium 2008-2009 are set out in tables 1 and 2.

Table 1
Estimated final requirements by component and main determining factor
(Thousands of United States dollars)

		Projected changes				
Component	*Revised appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed final appropriation*
Chambers	11 214.8	16.7	103.1	(376.6)	(256.8)	10 958.0
Office of the Prosecutor	69 278.8	100.2	(111.5)	(4 919.0)	(4 930.3)	64 348.5
Registry	215 893.6	707.2	1 360.4	4 247.5	6 315.1	222 208.7
Records management and archives	8 991.4	36.2	223.1	(2 227.9)	(1 968.6)	7 022.8
Total expenditure (gross)	**305 378.6**	**860.3**	**1 575.1**	**(3 276.0)**	**(840.6)**	**304 538.0**
Income						
Staff assessment	22 781.5	13.1	146.7	2 224.1	2 383.9	25 165.4
Total requirements (net)	**282 597.1**	**847.2**	**1 428.4**	**(5 500.1)**	**(3 224.5)**	**279 372.6**

Table 2
Projected expenditure by object of expenditure and main determining factor
(Thousands of United States dollars)

Component	*Revised appropriation*	*Projected changes*				*Proposed final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Posts	174 158.9	630.3	(1 515.1)	(3 395.4)	(4 280.2)	169 878.7
Other staff costs	33 460.6	(9.4)	1 597.3	(4 284.1)	(2 696.2)	30 764.4
Salaries and allowances of judges	10 564.6	16.7	117.8	(391.3)	(256.8)	10 307.8
Consultants and experts	1 147.6	4.5	21.1	(388.4)	(362.8)	784.8
Travel of representatives	650.2	—	(14.7)	14.7	—	650.2
Travel	6 453.8	—	(131.1)	23.1	(108.0)	6 345.8
Contractual services	32 239.8	130.5	816.9	4 208.1	5 155.5	37 395.3
General operating expenses	14 740.4	48.6	388.0	(1 987.7)	(1 551.1)	13 189.3
Hospitality	7.2	0.1	0.3	—	0.4	7.6
Supplies and material	3 620.0	14.7	86.5	(21.1)	80.1	3 700.1
Furniture and equipment	2 462.7	10.0	54.6	723.5	788.1	3 250.8
Improvement of premises	304.1	1.2	6.8	(1.5)	6.5	310.6
Grants and contributions	2 787.2	—	—	—	—	2 787.2
Staff assessment	22 781.5	13.1	146.7	2 224.1	2 383.9	25 165.4
Total expenditure (gross)	**305 378.6**	**860.3**	**1 575.1**	**(3 276.0)**	**(840.6)**	**304 538.0**
Income						
Staff assessment	22 781.5	13.1	146.7	2 224.1	2 383.9	25 165.4
Total requirements (net)	**282 597.1**	**847.2**	**1 428.4**	**(5 500.1)**	**(3 224.5)**	**279 372.6**

A. Variations in budgetary assumptions

Rates of exchange and inflation (increase: $2,435,400)

4. The increase in this category is attributable to the impact of changes in the rate of exchange ($860,300) and inflation ($1,575,100). The additional requirements under exchange rates reflect the weakening of the United States dollar, primarily against the Tanzanian shilling, during the period from January to October 2009, and the application of the October exchange rate until the end of December 2009. With respect to inflation, the adjustments are based on the latest information available on consumer price indices; or result from differences in actual post-adjustment indices for staff in the Professional category and above, and actual cost-of-living adjustments of salary scales for staff in the General Service and related categories compared with the assumptions made in the revised appropriations. Details of the assumptions are reflected in annex I to the present report.

B. Other requirements

Chambers

Table 3
Projected expenditure by object of expenditure and main determining factor
(Thousands of United States dollars)

		Projected changes				
Component	*Revised appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed final appropriation*
Salaries and allowances of judges	10 564.6	16.7	117.8	(391.3)	(256.8)	10 307.8
Travel of representatives	650.2	—	(14.7)	14.7	—	650.2
Total requirements (net)	**11 214.8**	**16.7**	**103.1**	**(376.6)**	**(256.8)**	**10 958.0**

Salaries and allowances of judges (decrease: $391,300)

5. The decreased requirements are attributable to lower requirements under pensions of judges ($381,100) and common costs ($1,515,500) for repatriation and installation costs, following the decision to extend the tenure of judges beyond 2008.

6. The reduced requirement is partially offset by additional requirements under honorariums related to the extension of the tenure of judges due to the revision of the trial schedule resulting in unanticipated additional work-months in order to enhance the effectiveness of the judicial proceedings and contribute towards the implementation of the completion strategy of the Tribunal in accordance with Security Council resolution 1878 (2009) ($1,246,400), and the revised emoluments and pensions of the judges effective 1 January 2009, in line with General Assembly resolution 63/259 ($258,900).

Office of the Prosecutor

Table 4
Projected expenditure by object of expenditure and main determining factor
(Thousands of United States dollars)

		Projected changes				
Component	*Revised appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed final appropriation*
Posts	50 990.8	128.4	(555.2)	(2 637.2)	(3 064.0)	47 926.8
Other staff costs	6 721.7	(23.1)	404.1	(768.4)	(387.4)	6 334.3
Consultants and experts	540.2	2.1	12.6	(382.9)	(368.2)	172.0
Travel	3 256.6	—	(75.6)	(476.6)	(552.2)	2 704.4
General operating expenses	739.5	(7.8)	59.3	(328.8)	(277.3)	462.2

Component	Revised appropriation	Projected changes: Rate of exchange	Projected changes: Inflation	Projected changes: Post incumbency and other changes	Projected changes: Total	Proposed final appropriation
Staff assessment	7 030.0	0.6	43.3	(325.1)	(281.2)	6 748.8
Total expenditure (gross)	**69 278.8**	**100.2**	**(111.5)**	**(4 919.0)**	**(4 930.3)**	**64 348.5**
Income						
Staff assessment	7 030.0	0.6	43.3	(325.1)	(281.2)	6 748.8
Total requirements (net)	**62 248.8**	**99.6**	**(154.8)**	**(4 593.9)**	**(4 649.1)**	**57 599.7**

Posts (decrease: $2,637,200)

7. The decrease is caused by the combined effect of reductions in salaries ($752,000) and common staff costs ($1,885,200). Consistently higher than standard vacancy rates have been experienced by the Office of the Prosecutor during the biennium 2008-2009. During 2008, the average vacancy rates were 21.5 per cent for Professional posts and 22.3 per cent for General Service posts, compared with the budgetary assumptions of 15.1 and 8.9 per cent respectively. During the period from January to September 2009, average vacancy rates were 29.5 per cent for Professional posts and 19.5 per cent for General Service posts. At the time of preparation of the present report, a total of 39 posts (34 Professional and 5 General Service) remained unencumbered, reflecting actual vacancy rates of 31.2 and 15.2 per cent for Professional and General Service posts, respectively. Furthermore, the reductions under common staff costs reflect both the realized vacancy rates described above and the lower than budgeted actual rate of common staff costs.

8. Provisions under staff assessment amount to $6,748,800, reflecting a net decrease of $281,200, which is offset by the same amount under income from staff assessment.

Other staff costs (decrease: $768,400)

9. The provision under this category was approved for 2009 in the context of the revised estimates relating to the revision of the trial schedule for 2009 as a result of the apprehension of certain high-level accused (see A/63/506). However, a number of the trials scheduled for 2009 were delayed or suspended owing to the sickness of some of the accused and, therefore some trials were now being carried over into 2010. The lower requirement of $768,400 under general temporary assistance results from the actual requirements relating to certain positions in support of trial activities during 2009.

Consultants and experts (decrease: $382,900)

10. The provision under this category was budgeted with the aim of engaging consultants and experts for monitoring the progress of trials in respect of cases transferred to national jurisdictions. However, the planned transfer of five cases did not materialize owing to the trial chambers rejecting all the applications for transfer made by the Office of the Prosecutor.

Travel (decrease: $476,600)

11. The decrease pertains to lower requirements under travel of staff reflecting the reduced number of missions to check the antecedents of defence witnesses that were undertaken during 2009 as a result of delays in some of the trials, which have now spilled over into 2010.

General operating expenses (decrease: $328,800)

12. The decrease under this heading reflects the reduced operational expenses of the Intelligence Tracking Unit relating to special protective measures for witnesses.

Registry

Table 5
Projected expenditure by object of expenditure and main determining factor
(Thousands of United States dollars)

		Projected changes				
Component	*Revised appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed final appropriation*
Posts	123 168.1	501.9	(959.9)	(758.2)	(1 216.2)	121 951.9
Other staff costs	21 471.3	(7.8)	1 059.7	(233.1)	818.8	22 290.1
Consultants and experts	541.6	2.1	6.7	(4.4)	4.4	546.0
Travel	3 098.9	—	(53.3)	499.2	445.9	3 544.8
Contractual services	29 881.2	120.9	757.2	3 884.7	4 762.8	34 644.0
General operating expenses	14 000.9	56.4	328.7	(1 658.9)	(1 273.8)	12 727.1
Hospitality	7.2	0.1	0.3	—	0.4	7.6
Supplies and material	3 108.2	12.7	73.6	(19.0)	67.3	3 175.5
Furniture and equipment	1 773.4	7.2	37.2	(10.5)	33.9	1 807.3
Improvement of premises	304.1	1.2	6.8	(1.5)	6.5	310.6
Grants and contributions	2 787.2	—	—	—	—	2 787.2
Staff assessment	15 751.5	12.5	103.4	2 549.2	2 665.1	18 416.6
Total expenditure (gross)	**215 893.6**	**707.2**	**1 360.4**	**4 247.5**	**6 315.1**	**222 208.7**
Income						
Staff assessment	15 751.5	12.5	103.4	2 549.2	2 665.1	18 416.6
Total requirements (net)	**200 142.1**	**694.7**	**1 257.0**	**1 698.3**	**3 650.0**	**203 792.1**

Posts (decrease: $758,200)

13. The net decrease is attributable to reduced requirements under common staff costs ($1,866,900), partially offset by additional requirements under salaries ($1,108,700). The budgetary assumptions included a vacancy rate of 15.1 per cent for the Professional category and above and 8.9 per cent for the General Service and related categories. During 2008, the average vacancy rates experienced by the Registry were 12.3 per cent for the Professional category and 15.4 per cent for the General Service category. For the period from January to September 2009, the

average vacancy rates were 15.5 per cent for the Professional category and 8.9 per cent for the General Service category. At the time of preparation of the present report, a total of 59 posts (31 Professional and 28 General Service) remained unencumbered, reflecting actual vacancy rates of 18.1 per cent for Professional posts and 7.4 per cent for General Service posts. The additional requirements under salaries is the result of the combined effect of lower than budgeted vacancy rates and differences in average (step-in-grade) salaries realized vis-à-vis projected salary standards. Furthermore, the reductions under common staff costs reflect the lower than budgeted actual rate of common staff costs.

14. Provisions under staff assessment amount to $18,416,600, reflecting a net increase of $2,665,100 owing to higher realized expenditure vis-à-vis projected standards, which is offset by the same amount under income from staff assessment.

Other staff costs (decrease: $233,100)

15. The decrease in resources reflects reduced requirements for general temporary assistance ($131,100) and overtime ($102,000) based on actual expenditure to date and projected requirements for the remainder of the biennium in support of trial activities.

Travel (increase: $499,200)

16. The resources provided cover travel of staff and witnesses. The additional requirements pertain to higher than anticipated movements of witnesses and detainees to Arusha from Kigali and other countries, and the travel expenses of security personnel escorting them.

Contractual services (increase: $3,884,700)

17. The increase in resources primarily reflects additional requirements for defence counsel fees owing to the heavy judicial calendar (increased trial days) and the increase in the number of accused in the trial (both prosecution and defence stages), sentencing and appeals phases. In addition, trial proceedings relating to two new arrests (Gregoire Ndahimana and Idelphonse Nizeyimana) commenced in the second half of 2009 for which no provisions had been made to meet the requirements relating to defence counsel fees. The overall requirements are based on actual disbursements to date and projected requirements for the remainder of the biennium.

General operating expenses (decrease: $1,658,900)

18. The reductions result mainly from lower requirements for: (a) rental and maintenance of premises ($572,000) owing to continued lower rates for the renting of safe houses and off-site storage space, and for the general maintenance of the facilities at Arusha and Kigali; (b) miscellaneous services ($134,200) related to lower costs for bank charges; (c) witness costs ($391,200) owing to the reduced number of witnesses being called upon to testify because of changes or rescheduling of trial proceedings in some of the cases; and (d) the enforcement of sentences ($561,500), attributable to delays in the finalization of agreements regarding the enforcement of sentences.

Records management and archives

Table 6
Projected expenditure by object of expenditure and main determining factor
(Thousands of United States dollars)

		Projected changes				
Component	*Revised appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed final appropriation*
Other staff costs	5 267.6	21.5	133.5	(3 282.6)	(3 127.6)	2 140.0
Consultants and experts	65.8	0.3	1.8	(1.1)	1.0	66.8
Travel	98.3	—	(2.2)	0.5	(1.7)	96.6
Contractual services	2 358.6	9.6	59.7	323.4	392.7	2 751.3
Supplies and material	511.8	2.0	12.9	(2.1)	12.8	524.6
Furniture and equipment	689.3	2.8	17.4	734.0	754.2	1 443.5
Total requirements (net)	**8 991.4**	**36.2**	**223.1**	**(2 227.9)**	**(1 968.6)**	**7 022.8**

Other staff costs (decrease: $3,282,600)

19. The Tribunal encountered several obstacles in filling the positions for the audio-visual archiving and redaction project at the beginning of the biennium. These obstacles were not foreseen when the original project plans were developed. They included difficulties in obtaining office space for the project staff, as well as storage space. Most of these issues have now been resolved and most of the positions have been filled during 2009. The reduced requirement is attributable to the delay in filling the positions for the project.

Contractual services (increase: $323,400)

20. The initial projections for the digitization of audio-visual materials to preservation quality standards were estimated at 40,000 hours, which formed the basis for the provision under this category in the proposed budget for 2008-2009. However, a thorough inventory of all the video materials revealed that the total number of video recordings produced amounted to 45,000 hours. The additional requirement reflects the additional hours that had not been budgeted.

Furniture and equipment (increase: $734,000)

21. Technological advances in the field of digital archival storage have led to a re-evaluation of the storage system required for the digitized archival material. One significant adjustment that has been made in relation to the planned procurement of equipment for the archiving project is the addition of a network-attached storage system (NAS) for the digitized audio-visual material. In order for the material to be considered archival, a digital storage system must be redundant. NAS is a digital storage system that is fully redundant and would streamline the accessibility of the stored data. In addition, NAS has a user-friendly interface which will greatly enhance the public accessibility of the audio-visual records of the Tribunal, one of the primary goals of the project. The additional requirement relates to the procurement of NAS.

III. Conclusion

22. **The General Assembly is requested to take note of the present report and to approve the final appropriation for the biennium 2008-2009 of $304,538,000 gross ($279,372,600 net) to the Special Account for the International Criminal Tribunal for Rwanda.**

Annex I

Budgetary assumptions

The following parameters were used in formulating the proposed estimates for the final appropriation:

	Duty station											
	The Hague (euro to US dollar)				*Arusha (Tanzanian shilling to US dollar)*				*Kigali (Rwanda franc to US dollar)*			
	Estimates used for the revised appropriation		*Proposed estimates for the final appropriation*		*Estimates used for the revised appropriation*		*Proposed estimates for the final appropriation*		*Estimates used for the revised appropriation*		*Proposed estimates for the final appropriation*	
Budget parameters	*2008*	*2009*	*2008*	*2009*	*2008*	*2009*	*2008*	*2009*	*2008*	*2009*	*2008*	*2009*
Rate of exchange	0.677	0.773	0.677	0.721	1 200.167	1 330.000	1 194.583	1 323.417	545.139	551.190	545.139	565.754
Inflation rate (percentage)	2.50	1.70	2.50	0.70	9.30	7.70	10.30	11.10	9.50	8.00	15.40	14.20
Post adjustment multiplier (percentage)	67.55	52.10	67.57	60.40	43.45	42.47	43.44	39.55	47.02	53.73	47.01	51.12

Annex II

Trial activities during the biennium 2008-2009

1. From 1 January 2008 to 19 October 2009, the three trial chambers of the International Criminal Tribunal for Rwanda rendered eight judgements in cases involving 11 accused persons (Simeon Nchamihigo, Simon Bikindi, Protais Zigiranyirazo, Theoneste Bagasora, Gratien Kabiligi, Aloys Ntabakuze, Anatole Nsengiyumva, Emmanuel Rukundo, Callixte Kalimanzira, Leonidas Nshogoza (contempt of court), Tharcisse Renzaho). The evidence phase of nine other trials involving 20 accused has been completed, and judgements are under preparation (Casimir Bizimungu; Justin Mugenzi; Jérôme Bicamumpaka; Prosper Mugiraneza; Pauline Nyiramasukuko; Arsène Shalom Ntahobali; Sylvain Nsabimana; Alphonse Nteziryayo; Joseph Kanyabashi; Elie Ndayambaje; Augustin Ndindilyimana; François-Xavier Nzuwonemeye; Innocent Sagahutu; Augustin Bizimungu; Hormisdas Nsengimana; Ephrem Setako; Tharcisse Muvunyi (retrial); Michel Bagaragaza (guilty plea); pending closing arguments: Ildephonse Hategekimana; Yussuf Munyakazi). Five requests for referral of cases to national jurisdictions under Rule 11 bis were denied. Twelve new trials commenced during the biennium, including one involving a guilty plea, one contempt of court case and one retrial. In addition to the 38 cases involving 47 accused that have been completed in first instance, five trials involving seven accused are in progress. Four detainees are awaiting trial. Two of these trials will commence in the course of 2009.

2. The Appeals Chamber rendered five appeal judgements in respect of seven persons (Aloys Simba, Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze, Athanase Seromba, Tharcisse Muvunyi, Francois Karera), 15 interlocutory decisions, 35 decisions on review or reconsideration or other requests, 3 decisions on referral appeals, and 216 pre-appeal orders and decisions. Additionally, the Appeals Chamber has heard appeals in three cases concerning three persons (Simon Bikindi, Protais Zigiranyirazo, Simeon Nchamihigo) which are at the deliberations/judgement-drafting stage, with judgements expected within three months.

3. Preparations are under way for the trial of Grégoire Ndahimana and Idelphonse Nizeyimana, the two fugitives arrested and transferred to the Tribunal in September and October 2009 respectively. Pursuant to further visits and discussions with the Rwandan authorities, the Prosecutor intends, subject to the establishment of an effective witness protection regime, to file applications for transfer of the cases of several fugitives to Rwanda. Efforts also continue to be made with other Member States to take some of the cases of fugitives on transfer. The tracking of the remaining 11 fugitives has been intensified.

4. The Tribunal's Rules of Procedure and Evidence have been amended to include rule 71 bis, which allows for applications to be made for the preservation of evidence under certain circumstances. The process for making applications for the preservation of evidence in the cases of the three fugitives earmarked for trial in Arusha has been initiated. In addition to the trial work in progress, the Prosecutor continues to respond to the increasing appeals workload emanating from final and interlocutory decisions of the trial chambers. Requests for cooperation from national prosecuting authorities have also increased substantially over the past year, with European and North American Member States investigating the role of several suspects in the Rwandan genocide.

5. The Registry continues to assist the judicial process by providing administrative and management support to the organs of the Tribunal, as well as judicial and legal assistance. The Registry has worked to ensure the smooth running of trials, the protection of witnesses and the timely meeting of the goals of the completion strategy.

6. The Registrar has maintained high-level diplomatic contacts and brought about formal and informal agreements with Member States and international organizations to secure their continued cooperation with the Tribunal for the purposes of travel of witnesses, relocation of acquitted persons and enforcement of sentences.

7. To date, four out of six acquitted persons have been relocated to a secure country of their choosing. Formal and informal negotiations are under way to relocate the two remaining acquitted persons, who are residing temporarily in Arusha under the protection of the Tribunal. Agreements on the transfer of 19 convicted persons for the enforcement of their sentence were signed with Member States. All convicted persons are serving their sentence in countries which have signed an agreement with the Tribunal to that effect.

Annex III

Voluntary contributions and trust fund activities

1. The General Assembly, in its resolution 49/251, invited Member States and other interested parties to make voluntary contributions to the Tribunal, both in cash and in the form of services and supplies acceptable to the Secretary-General.

2. To date, cash contributions to the Voluntary Fund to support the activities of the International Criminal Tribunal for Rwanda amount to $12,403,595. The details are provided in the table below.

Cash contributions to the Voluntary Fund as at 15 October 2009

(United States dollars)

Contributor	*Total amount (United States dollars)*
Belgium	2 705 450
Canada	734 850
Chile	1 000
Czech Republic	60 986
Denmark	43 452
Egypt	11 000
Finland	550 560
Germany	38 800
Greece	20 000
Holy See	3 000
Ireland	557 730
Israel	7 500
Lebanon	3 000
Netherlands	2 995 531
New Zealand	34 792
Norway	350 000
Spain	244 498
Sweden	68 871
Switzerland	188 025
United Kingdom of Great Britain and Northern Ireland	530 962
United States of America	320 000
European Community	2 618 048
Rockefeller Foundation	50 000
Internews	30 252
Ford Foundation	20 000
Open Society Institute	59 975
The Law Foundation of Ontario	10 719

Contributor	*Total amount (United States dollars)*
Ms. Anne-Marie de Brouwer	594
MacArthur Foundation	144 000
Total	**12 403 595**

3. Projected expenditure for the biennium 2008-2009 is set out in the table below. The variance between the initial and revised estimates is due to the lower rate of implementation in respect of earmarked projects. The overall level of resources of the Fund as at 30 September 2009 was $1,305,703.

Projected expenditure by object of expenditure

(Thousands of United States dollars)

Object of expenditure	*2008-2009 estimate*	*2008-2009 revised estimate*	*Increase (decrease)*
Other staff costs	354.0	266.0	(88.0)
Consultants and experts	170.6	51.3	(119.3)
Travel	337.2	540.3	203.1
Contractual services	894.1	502.8	(391.3)
General operating expenses	—	134.9	134.9
Supplies and material	302.1	39.8	(262.3)
Furniture and equipment	88.0	57.5	(30.5)
Fellowships, grants and contributions	—	98.4	98.4
Total	**2 146 .0**	**1 691.0**	**(455.0)**

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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 17 November 2009 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I would like to refer to the documents A/64/475-S/2009/508 of 6 October 2009 and A/64/514-S/2009/575 of 6 November 2009 containing the letters of the Ambassador of Azerbaijan and their annexes.

These documents were circulated under the agenda items 14 and 18 of the sixty-fourth session of the General Assembly with the sole purpose of spreading a new wave of hate propaganda against the Republic of Armenia and Nagorno Karabakh.

The data contained in these documents can only be attributed to the sick imagination of state officials in Azerbaijan who still presume that the cold war style propaganda and continued dissemination of anti-Armenian documents in different international forums could be an effective tool for strengthening their country's position at the ongoing talks within the Organization for Security and Cooperation in Europe Minsk Group, aimed at finding a comprehensive peaceful resolution for the Nagorno Karabakh conflict.

It is not the first time that Azerbaijan attempts to jeopardize the work of the Minsk Group and its co-Chairs and to derail the Nagorno Karabakh peace process, as well as to mislead the members of the General Assembly by submitting false and totally groundless information.

It comes as no surprise to us that this, yet another avalanche of fabricated writings, occurs just weeks before the expected meetings between the Ministers for Foreign Affairs and the Presidents of the two countries.

These documents are vivid manifestations of how far Azerbaijan stands from the idea of achieving a lasting peace and how "genuine" the intentions of its leaders

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are in finding a mutually acceptable and comprehensive solution to the Nagorno Karabakh issue.

I would be grateful if you could circulate the present letter as a document of the General Assembly, under items 14 and 18 of the agenda, and of the Security Council.

(*Signed*) Garen A. **Nazarian**
Ambassador
Permanent Representative